



U.S. Department
of Transportation
**Federal Highway
Administration**

California Division

September 18, 2018

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Sacramento, CA 95814
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In Reply Refer To:
HDA-CA

Mr. Bruce de Terra
Division Chief
California Department of Transportation
1120 N Street
Sacramento, CA 95814

SUBJECT: Rural Non-MPO 2017 FSTIP AMENDMENT NO. 38

Dear Mr. de Terra:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) have completed our reviews of Amendment No. 38 to the Rural Non-Metropolitan Planning Organization (non-MPO) area portion of the 2017 California Federal Statewide Transportation Improvement Program (FSTIP), which was submitted by your letter dated September 7, 2018. As detailed in your letter enclosed, this amendment requests to modify two grouped project listings previously approved for FSTIP inclusion.

We have determined the project listings from this amendment do not require a conformity determination prior to FSTIP programming because they are either exempt, located in areas of the State of California designated as attainment or unclassified for Federal Air Quality Standards, or are in non-metropolitan isolated non-attainment areas. Your letter enclosed correctly notes that projects in non-metropolitan isolated non-attainment areas of the State of California do not need to meet project level conformity to be included in the FSTIP; however, as indicated in your letter projects must comply with project level conformity requirements when a Federal action, such as a National Environmental Policy Act (NEPA) decision, is taken on a project. Acceptance of this FSTIP amendment has been coordinated with Region 9 of the Environmental Protection Agency (EPA) in accordance with the procedures outlined in the *National Memorandum of Understanding (MOU) between the Department of Transportation (DOT) and EPA on Transportation Conformity*, dated April 25, 2000.

Pursuant to the February 14, 2018 *Memorandum of Agreement (MOA) between the FHWA – California Division and FTA – Region 9*, and based on our review of information submitted that includes revenues and proposed project funding information to demonstrate financial constraint, we accept this FSTIP amendment in accordance with 23 Code of Federal Regulations (CFR) Part 450 and 49 CFR Part 613 (see the Final Rule on Statewide and Metropolitan Transportation Planning published in the May 27, 2016 Federal Register). We have determined the amended Rural non-MPO area portion of the 2017 California FSTIP, including Amendment No. 38, was

developed through a continuing, cooperative, and comprehensive transportation planning process in accordance with the metropolitan transportation planning provisions of 23 United States Code (U.S.C.) § 134 and 49 U.S.C. Chapter 53 as amended by Public Law 114-94 (the Fixing America's Surface Transportation (FAST) Act).

Our approval is being given with understanding that an eligibility determination of individual projects for funding must be met, and the applicant must ensure satisfaction of all administrative and statutory requirements. If you have questions or would like additional information regarding our approval of Amendment No. 38 to the Rural non-MPO area portion of the FSTIP, feel free to contact Michael Morris of the FHWA California Division's Cal-South Office at (213) 894-4014, or by email at michael.morris@dot.gov; or Ted Matley of the FTA's Region 9 Office at (415) 734-9468 or by email at ted.matley@dot.gov.

Sincerely,

/s/ Edward Carranza Jr.

Edward Carranza Jr.
Acting Regional Administrator
FTA Region 9



Tashia Clemons
Director, Planning and Environment
FHWA California Division